



LOBBYING ORDINANCE REVIEW

– DRAFT REVISIONS –

Article 7: Elections, Campaign Finance and Lobbying

Division 40: Municipal Lobbying

§27.4001 Purpose and Intent

The purpose of this division is to provide registration and disclosure requirements whereby individuals acting as *Municipal Lobbyists* are required to register with the City. The purpose of registration is to require *Lobbyists* to provide sufficient information so that complete disclosure of principals and *Clients* they represent may become public information for the benefit of the City Council and the general public. This division is not intended to discourage or prohibit the exercise of constitutional rights.

It is the purpose and intent of the City Council of the City of San Diego in enacting this Division to: ensure that the citizens of the City of San Diego have access to information about persons who attempt to influence decisions of City government through the use of paid lobbyists; establish clear and unambiguous registration and disclosure requirements for lobbyists in order to provide the public with relevant information regarding the financing of lobbyists and the full range of lobbying activities; prohibit registered lobbyists from exerting improper influence over City Officials or from placing City Officials under personal obligation to lobbyists or their clients; promote transparency concerning attempts to influence municipal decisions; avoid corruption and the appearance of corruption in the City's decision-making processes; regulate lobbying activities in a manner that does not discourage or prohibit the exercise of constitutional rights; reinforce public trust in the integrity of local government; and ensure that this Division is vigorously enforced.

replacement
language;
discussed at
3/20/06
meeting

§27.4002 Definitions

All defined terms in this Division appear in italics. ~~The first letter of each term defined in this Division is capitalized.~~ Unless the context otherwise indicates, the defined terms have the meanings set forth below.

~~“Activity Expense”~~ *Activity Expense* means any ~~Payment~~ *payment* made to, or benefiting, any City Official made by a ~~Lobbyist~~ *lobbyist, lobbying firm, or organization lobbyist*. An ~~Activity Expense~~ *activity expense* benefits a City Official if it is made to, or on behalf of, the City Official. An ~~Activity Expense~~ *activity expense* includes gifts provided to the City Official's spouse, ~~registered domestic partner~~, or dependent child if the City Official receives benefits from the gift or exercises control or discretion over the use or disposal of the gift, unless it is clear that the donor had no intent to make a gift to the official. ~~“Activity Expenses”~~ *Activity expenses* include *gifts*, meals, ~~honoraria~~, consulting fees, salaries, and any other form of *compensation*, but do not include campaign contributions.

format change;
language
updated to
reflect amended
FPPC regs

format
change only

~~“Agent”~~ Agent means a ~~Person~~ person who acts on behalf of any other ~~Person~~ person.
~~“Agent”~~ Agent includes a ~~Person~~ person who acts on behalf of a ~~Lobbyist~~ lobbyist.

new definition
for fundraising
disclosure

Candidate means any individual who is seeking to hold elective City office and any elected City officeholder who is seeking to hold any elective city, county, state, or federal office.

minor revision
(mirrors Ethics
Ordinance)

~~“City”~~ City means the City of San Diego or any of its organizational ~~subdivision, office, or~~
~~board~~ subdivisions, agencies, offices, or boards ~~of the City~~.

minor revision
(mirrors Ethics
Ordinance)

~~“City Board”~~ City Board includes the boards of directors of all City agencies, and any
board, commission, committee, or task force of the City established by action of the City
Council under authority of the City Charter, Municipal Code, or Council resolution, whose
members are required to file a statement of economic interests pursuant to the California
Political Reform Act of 1974, as amended.

~~“City Official”~~ City Official includes:

(a) ~~any elected or appointed City officeholder, including any City officeholder elected~~
~~but not yet sworn in, City Board member, or employee of the City or any City~~
~~agency, who, as part of his or her official duties, participates in the consideration~~
~~of any Municipal Decision other than in a purely clerical, secretarial or ministerial~~
~~capacity;~~

(a) any elected or appointed City officeholder, including any City officeholder elected
but not yet sworn in; and

(b) any City Board member; and

(c) any employee of the City, except for classified employees as that term is defined
in San Diego Charter section 117, who is required to file a statement of economic
interests pursuant to the California Political Reform Act of 1974, as amended; and

~~(b)(d)~~ City Council members acting in their capacity as Housing Authority and
Redevelopment Agency officers; and

~~(e)(e)~~ any consultants of the City who are required to file a statement of economic
interests pursuant to any conflict of interest code adopted by the City Council the
California Political Reform Act of 1974, as amended.

~~“Client”~~ Client means

revised definition

(a) ~~a person who compensates a lobbyist, including an In-House Lobbyist, for the~~
~~purpose of influencing a municipal decision; or~~

(b) ~~a person on whose behalf a lobbyist makes attempts at influencing a municipal~~
~~decision.~~

any person for whose benefit lobbying activities are performed by a lobbying firm.

deleted; plain language usage is defined by context	“Committee” has the same meaning as that set forth in California Government Code Section 82013.
deleted; term no longer used	“Compensated services” means lobbying activities for which compensation was paid during a reporting period or for which the lobbyist became entitled to compensation during that period.
revised; adds “contingency language”	“Compensation” <u>Compensation</u> means any economic consideration for services rendered or to be rendered and includes consideration that is contingent upon the accomplishment of a particular goal, regardless of whether or not that goal is accomplished. <u>Compensation does not include</u> , other than reimbursement for <i>travel expenses</i> .
deleted; plain language meaning more appropriate	Contract includes but is not limited to written contracts, agreements, memoranda of understanding, and similar writings that set forth transactions involving personal property, real property, intellectual property, personal services, consultant services, public works, or insurance. For purposes of this division, “contract” and “agreement” are synonymous. The definition of “contract” is intended to be broadly construed.
deleted; type of day specified in context	Day means calendar day unless otherwise specified. “Direct Communication” <u>Direct communication</u> means:
first half of definition unchanged	(a) talking to (either by telephone or in person); or (b) corresponding with (either in writing or by electronic transmission or facsimile machine).
second half moved to 27.4004	“Direct Communication” does not include: (a) solely responding to questions from any City Official; or (b) appearing as a speaker at, or providing written statements which become part of the record of, a Public Hearing, so long as the Lobbyist identifies the Clients(s) represented; or (c) a direct response to an enforcement proceeding with the City.
revised definition; language from § 27.2903	“Enforcement Authority” has the same meaning as that term is defined in Section 27.2903 <u>Enforcement Authority</u> means the City of San Diego Ethics Commission. <u>Nothing in this article limits the authority of the City Attorney, any law enforcement agency, or any prosecuting attorney to enforce the provisions of this article under any circumstances where the City Attorney, law enforcement agency, or prosecuting attorney otherwise has lawful authority to do so.</u>
new definition	<u>Expenditure lobbyist means any person who makes payments for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities designed to influence a municipal decision, to the extent that such payments total \$500 or more within any three consecutive calendar months. Payments for activities reported by a lobbying firm or organization lobbyist on a quarterly disclosure report shall not be considered for purposes of calculating the \$500 threshold.</u>

new definition
related to
fundraising
disclosure
requirement

Fundraising activity means either of the following:

- (a) hosting or sponsoring a fundraising event, or hiring others to conduct a fundraising event, that results in the collection of contributions totaling \$1,000 or more for the benefit of a candidate's controlled committee; or
- (b) obtaining contributions of at least \$1,000 for a candidate's controlled committee.

definition
revised to
mirror Ethics
Ordinance

~~"Gift" has the same meaning as that set forth in California Government Code section 82028~~ Gift means any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value. Gifts are subject to the exceptions set forth in Municipal Code section 27.3525

replaced with
business lobbyist

~~*In House Lobbyist" means an individual who engages in Lobbying solely on behalf of his or her business or employer. In House Lobbyist includes, but is not limited to, owners, officers, and salaried employees of a business.*~~

new definition;
used with §
27.4024

Immediate family means an individual's spouse or registered domestic partner, and any dependent children.

format
change only

~~"Influencing a municipal decision"~~ Influencing a municipal decision means affecting or attempting to affect any action by a City Official on one or more ~~Municipal Decisions~~ municipal decisions by any method, including promoting, supporting, opposing, or seeking to modify or delay such action. "Influencing a municipal decision" Influencing a municipal decision also includes providing information, statistics, analysis or studies to a City Official.

format
change only

~~"Lobbying"~~ Lobbying means ~~Direct Communication~~ direct communication with a City Official for the purpose of ~~Influencing a Municipal Decision~~ influencing a municipal decision on behalf of any other person.

new definition: all
entities covered by
division

Lobbying entity means any lobbying firm, organization lobbyist, or expenditure lobbyist.

new definition

Lobbying firm means any entity that receives or becomes entitled to receive any amount of monetary or in-kind compensation to engage in lobbying activities with any City Official on behalf of any other person.

~~"Lobbyist" means an individual who receives or becomes entitled to receive the threshold Compensation amount during any calendar quarter for Lobbying, and who has had at least one Direct Communication with a City Official in that calendar quarter. Lobbyist includes:~~

- ~~(a) In House Lobbyists who engage in Lobbying;~~
- ~~(b) individuals under contract to engage in Lobbying; and~~

- (c) ~~individuals employed by a firm under contract to provide *Lobbying* services, whose pro-rated salary for *Lobbying* activities meets the threshold *Compensation* during any calendar quarter.~~

revised definition:
refers to the
individual lobbyists

Lobbyist means any individual who engages in *lobbying* activities with any *City Official* on behalf of a *client* or an *organization lobbyist*.

~~“*Municipal Decision*”~~ *Municipal decision* includes:

- (a) the drafting, introduction, consideration, reconsideration, adoption, defeat, or repeal of any ordinance or resolution; and
- (b) the amendment of any ordinance or resolution; and
- (c) a report by a *City Official* to the *City Council* or a *City Council Committee*; and
- (d) contracts; and
- (e) quasi-judicial decisions, including:
- (1) any decision on a land development permit, map or other matter decided pursuant to Process 2 through 5 as described in Chapter 11 of this Municipal Code; and
 - (2) any grant of, denial of, modification to, or revocation of a permit or license under Chapter 1 through 10 of this Municipal Code; and
 - (3) any declaration of debarment as described in Chapter 2, Article 2, Division 8, of this Municipal Code; and
- (f) any other decision of the *City Council* or a *City Board*.

first part of
definition
unchanged

~~“*Municipal Decision*” does not include any of the following:~~

2nd part of
definition
moved to
“exceptions”
section
(§ 27.4004)

- (a) ~~any request for advice regarding, or for an interpretation of laws, regulations, *City* approvals or policies; or~~
- (b) ~~any communication among attorneys representing a party or potential party to pending or actual litigation brought by or against the *City*, or *City* agent, officer or employee; or~~
- (c) ~~any ministerial action such as decisions on private land development made pursuant to Process 1 as described in Chapter 11 of this Municipal Code; or~~
- (d) ~~any action relating to the establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or memorandum of understanding between the *City* and a recognized employee organization, or a proceeding before the Civil Service Commission; or~~

- (e) ~~any management decisions as to the working conditions of represented employees that clearly relate to the terms of collective bargaining agreements or memoranda of understanding pursuant to (d) above.~~

new definition
related to new
fundraising
disclosure
requirement

Obtaining contributions means soliciting campaign contributions from one or more contributors and either (a) personally delivering the contributions to a *candidate* or to a *candidate's* controlled committee, or (b) identifying oneself to a *candidate* or a *candidate's* controlled committee as having any degree of responsibility for the contributions received as a result of that solicitation.

type of
organization still
to be
determined

Organization means **[TO BE DETERMINED]**. Employees of an *organization* include, but are not limited to, its owners, officers, and any full- or part-time employees. An employee of any parent or subsidiary of the *organization* is considered an employee of the *organization*. An employee of any related *organization* is considered an employee of the *organization*.

- (a) A parent-subsidiary relationship exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

- (b) Business entities, including corporations, partnerships, joint ventures and any other organizations and enterprises, which do not have a parent-subsidiary relationship are “related” if any one of the following three tests is met:

definition of
parent, subsidiary,
and “related”
business entities
mirrors FPPC
regulations

- (1) One business entity has a controlling ownership (50% or greater interest as a shareholder or as a general partner) interest in the other business entity.

- (2) There is shared management and control between the entities. In determining whether there is shared management and control, consideration should be given to the following factors:

- (A) The same *person* or substantially the same *person* owns and manages the two entities;

- (B) There are common or commingled funds or assets;

- (C) The business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis;

- (D) There is otherwise a regular and close working relationship between the entities; or

- (3) A controlling owner in one entity also is a controlling owner in the other entity.

scope of
definition still to
be determined

Organization lobbyist means **[TO BE DETERMINED]**

revised to mirror
ECCO & Ethics
Ordinance

~~“Payment” has the same meaning as that set forth in California Government Code section 82044.~~ *Payment* means a payment, distribution, transfer, loan, advance, deposit, gift or

other rendering of money, property, services, or anything else of value, whether tangible or intangible.

format
change only

~~“Person”~~ Person means any individual, business entity, trust, corporation, association, committee, or any other organization or group of *persons* acting in concert.

format
change only

~~“Public Hearing”~~ Public hearing means any meeting as defined by the Ralph M. Brown Act where a public record is kept of who spoke and who was represented by a *lobbyist* testifying at that hearing.

format
change only

~~“Public Official”~~ Public official means an elected or appointed officer or employee or officially designated representative, whether compensated or not, of the United States or any of its agencies; the State of California; the *City*; any political subdivision of the State, including counties and districts; or any public corporation, agency or commission.

format
change only

~~“Travel Expenses”~~ Travel expenses means reasonable expenses for transportation plus a reasonable sum for food and lodging.

§27.4004

Exceptions

The following *persons* and activities are exempt from the requirements of this division:

format
change only

(a) a ~~Public Official~~ public official acting in his or her official capacity and any government employee acting within the scope of his or her employment;

format
change only

(b) any newspaper or other regularly published periodical, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper, periodical, radio, or television station) that in the ordinary course of business publishes news items, editorials, or other comments or paid advertisements which directly or indirectly urge action on a ~~Municipal Decision~~ municipal decision, if such newspaper, periodical, radio or television station, or individual engages in no other activities to ~~Influence a Municipal Decision~~ influence a municipal decision; ~~and~~

(c) any ~~Person~~ person whose sole activity includes one or more of the following, unless the activity involves direct communication with a member of the City Council or a member of the City Council’s immediate staff:

existing
exemption, with
additional
language
excluding City
Council and staff

(1) to submit a bid on a competitively bid contract;

(2) to submit a written response to a request for proposals or qualifications;

(3) to participate in an oral interview for a request for proposals or qualifications; or,

(4) to negotiate the terms of a contract or agreement with the ~~City~~ *City*, once the ~~City~~ *City* has authorized either by action of the ~~City~~ *City* Council, ~~City~~ *City* Manager, or voters, entering an agreement with that ~~Person~~ person whether that ~~Person~~ person has been selected pursuant to a bid, request for proposals or qualifications, or by other means of selection recognized by law.

(c)(5) is a new exception
(from 3/20/06 meeting)

(5) to communicate in connection with the administration of an existing contract between the *person* and the *City*.

(d) – (h) moved
from current
definition of
municipal
decision

- (d) any request for advice regarding, or for an interpretation of laws, regulations, *City* approvals, or policies;
- (e) any communication by an attorney with regard to his or her representation of a party or potential party to pending or actual litigation brought by or against the *City*, or *City* agent, officer, or employee;

first full
sentence in (f)
added to
existing
exemption

- (f) any ministerial action. An action is ministerial if it does not require the *City Official* to exercise discretion concerning any outcome or course of action. A ministerial action includes, but is not limited to, decisions on private land development made pursuant to Process 1 as described in Chapter 11 of the Municipal Code;

- (g) any action relating to the establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or memorandum of understanding between the *City* and a recognized employee organization, or a proceeding before the Civil Service Commission;

- (h) any management decisions as to the working conditions of represented employees that clearly relate to the terms of collective bargaining agreements or memoranda of understanding pursuant to (d) above;

new language
after comma in (i)

- (i) solely responding to questions from any *City Official*, or providing oral or written information in response to a subpoena or as otherwise compelled by law;

(i) – (j) from
definition of direct
communication

- (j) solely appearing as a speaker at, or providing written statements which become part of the record of, a *public hearing*;

- (k) a direct response to an enforcement proceeding with the *City*.

- (l) communications with a *City Official* by an engineer, architect, biologist, geologist, or any other professional in the natural sciences, to the extent that such communications are limited to sharing specialized knowledge associated with his or her respective field of professional expertise.

- (m) the publishing of any information on an Internet website that is accessible to the general public.

§27.4005

Threshold Determination

- (a) ~~For the purpose of determining whether a *Lobbyist* has met the threshold for Compensation registration required by Section 27.4007, time spent on the following activities shall be included:~~

entire section
deleted

- (1) ~~monitoring a *Municipal Decision* the *Lobbyist* is seeking to influence;~~
- (2) ~~preparing testimony and presentations;~~

- (3) ~~attending hearings on a Municipal Decision the Lobbyist is seeking to influence;~~
- (4) ~~communicating with the Lobbyist's Client or the Lobbyist's employer on a Municipal Decision the Lobbyist is seeking to influence; and~~
- (5) ~~waiting to meet with City Officials. These and similar activities are an integral part of Influencing a Municipal Decision.~~
- (b) ~~The threshold Compensation shall be calculated as follows:~~
 - (1) ~~In 1999 it is \$2,000.~~
 - (2) ~~It will be adjusted each year thereafter, based on the San Diego Consumer Price Index percentage change.~~
- (c) ~~The City Clerk shall publish the threshold Compensation amount on or before January 10 of each year.~~

§27.4006

Activity Expense on Behalf of Client

format
change only

An ~~Activity Expense~~ activity expense shall be considered to be made on behalf of a ~~Client~~ client if the ~~Client~~ client requires, authorizes, or reimburses the expense.

§27.4007

Registration Required

revised to use
newly defined
terms;
eliminate
reference to
compensated
services

- (a) ~~A Lobbyist~~ Every lobbying firm and organization lobbyist is required to register with the City Clerk no later than ten ~~(10) calendar Days~~ days after qualifying as a ~~Lobbyist~~ lobbying firm or organization lobbyist.
- (b) ~~Within ten (10) Days after qualifying as a Lobbyist, a Lobbyist shall report the information required by Section 27.4017 for any Compensated Services the Lobbyist provided in the three (3) months prior to the date of qualification as a Lobbyist.~~

signature
requirement
moved to
27.4009

- (c) ~~Lobbyists shall file with the City Clerk the registration form with the Lobbyists' original signature. Lobbying firms and organization lobbyists shall file their registration forms with the City Clerk, using forms provided by the City Clerk.~~

- (d)(c) ~~Nothing in this division precludes an individual entity from registering as a lobbyist lobbying firm or organization lobbyist prior to qualifying as such.~~

§27.4009

Contents of Lobbyist's Registration Form

existing
language
replaced with
provisions
specific to the
type of lobbying
entity.

~~Lobbyists shall file with the City Clerk the registration form which contains the following:~~

- (a) ~~the Lobbyist's full name, business address, and business telephone number;~~
- (b) ~~the name, business address, and business telephone number of the Lobbyist's employer, if any;~~

- (e) ~~a specific description of the *Lobbyist's* employer, if any, in sufficient detail to inform the reader of the nature and purpose of the employer's business;~~
- (d) ~~for each *Client* for which the *Lobbyist* provides *Lobbying Activities*:~~
 - (1) ~~the *Client's* name, business or mailing address, and business or message telephone number;~~
 - (2) ~~a specific description of each *Client* in sufficient detail to inform the reader of the nature and purpose of the *Client's* business;~~
 - (3) ~~the specific *Municipal Decision(s)* for which the *Lobbyist* was retained to represent the *Client*, or a description of the type(s) of *Municipal Decision(s)* for which the *Lobbyist* was retained to represent the *Client*;~~
- (e) ~~a statement that the *Lobbyist* has reviewed and understands the requirements of Division 40 governing municipal lobbying; and~~
- (f) ~~any other information required by the *City Clerk* consistent with the purposes and provisions of *this division*.~~
- (a) Every *lobbying firm* shall file with the *City Clerk* a registration form that contains the following information:

registration
for lobbying
firms

- (1) the *lobbying firm's* name, address, and telephone number.
- (2) the name of each individual employed by the *lobbying firm*:
 - (A) who has engaged in *lobbying* the *City* within the previous 30 calendar days, or
 - (B) who the *lobbying firm* reasonably anticipates will engage in *lobbying* the *City* in the future.
- (3) a listing of all individuals identified in subsection (a)(2) who have engaged in *fundraising activities* for a current elected *City Official* within the past four years, along with the name of each applicable *City Official*.
- (4) for each *client* for whom the *lobbying firm* provides *lobbying activities*:
 - (A) the *client's* name, business or mailing address, and telephone number;
 - (B) a specific description of each *client* in sufficient detail to inform the public of the nature and purpose of the *client's* business; and,
 - (C) the specific *municipal decision(s)* for which the *lobbying firm* was retained to represent the *client*, or a description of the type(s) of *municipal decision(s)* for which the *lobbying firm* was retained to represent the *client*, and the outcome(s) sought by the *client*;

- (5) statements by a duly authorized owner or officer of the *lobbying firm* that he or she:
 - (A) reviewed and understands the requirements of Division 40 governing municipal lobbying; and,
 - (B) reviewed the contents of the registration form and verified, under penalty of perjury, that such contents are accurate and complete.
- (6) the printed name and original signature of the individual making the statements required by subsection (a)(5).
- (7) any other information required by the *Enforcement Authority* or the *City Clerk* consistent with the purposes and provisions of this division.

(b) Every *organization lobbyist* shall file with the *City Clerk* a registration form that contains the following information:

registration for
organization
lobbyists

- (1) the *organization lobbyist's* name, address, and telephone number.
- (2) a specific description of the *organization lobbyist* in sufficient detail to inform the public of the nature and purpose of its business.
- (3) the name of each owner, officer, and employee of the *organization lobbyist* who is authorized to *lobby City Officials* on behalf of the *organization lobbyist*.
- (4) the total number of *contacts* [TO BE DETERMINED] with *City Officials* made on behalf of the *organization lobbyist* by the *organization lobbyist's* owners, officers, or employees during the preceding 30 calendar days.
- (5) a description of each *municipal decision* the *organization lobbyist* has sought to influence during the preceding 30 calendar days; and the outcome sought by the *organization lobbyist*.
- (6) a listing of all individuals identified in subsection (b)(3) who have engaged in *fundraising activities* for a current elected *City Official* within the past four years, along with the name of each applicable *City Official*.
- (7) statements by a duly authorized owner or officer of the *organization lobbyist* that he or she:
 - (A) reviewed and understands the requirements of Division 40 governing municipal lobbying; and,
 - (B) reviewed the contents of the registration form and verified, under penalty of perjury, that such contents are accurate and complete.
- (8) the printed name and original signature of the individual making the statements required by subsection (b)(7).

- (9) any other information required by the *Enforcement Authority* or the City Clerk consistent with the purposes and provisions of this division.

§27.4010 Lobbyist and Client Registration Fees

existing fee structure amended; amount of fees to be set and adjusted by City Council independent of Muni Code

- (a) ~~At the time the *Lobbyist* registers pursuant to Section 27.4007, the *Lobbyist* shall pay:~~
- (1) ~~an annual *Lobbyist* registration fee of forty dollars (\$40); plus~~
 - (2) ~~an annual *Client* registration fee of fifteen dollars (\$15) for each *Client* identified on the registration form.~~
- (b) ~~A *Lobbyist* who initially qualifies to register during the last quarter of a calendar year (October through December) pursuant to Section 27.4007 shall pay:~~
- (1) ~~a prorated *Lobbyist* registration fee of twenty dollars (\$20); plus~~
 - (2) ~~a prorated *Client* registration fee of ten dollars (\$10) for each *Client* identified on the registration form.~~
- (c) ~~When a *Client* is acquired subsequent to the initial registration, the *Lobbyist* shall pay the *Client* registration fee when filing the information required by Section 27.4009.~~
- (d) ~~For the purpose of determining *Client* registration fees, a trade association or business organization qualified under Internal Revenue Code 501(c)(6) shall consider its members as one *Client*.~~
- (e) ~~For the purpose of determining *Client* registration fees, a single *Client* registration fee shall be paid for a *Person*, other than an individual, that employs more than one *In-House Lobbyist*.~~
- (f) ~~Fees may be paid or reimbursed by the *Person*, if any, who employs the *Lobbyist*.~~

lobbying firm: registration fees based on number of lobbyists and clients

- (a) At the time a *lobbying firm* registers pursuant to section 27.4007, the *lobbying firm* shall pay an annual registration fee based on the number of *lobbyists* identified in its registration form, plus an annual *client* registration fee for each *client* identified on the registration form.
- (1) A *lobbying firm* that initially qualifies to register during the last quarter of a calendar year (October through December) pursuant to section 27.4007 shall pay prorated registration fees.
 - (2) When a *lobbying firm* adds a *lobbyist* subsequent to the *lobbying firm*'s initial registration, the *lobbying firm* shall pay an additional *lobbyist* registration fee when filing its amended registration form as required by section 27.4012.
 - (3) When a *lobbying firm* acquires a *client* subsequent to the *lobbying firm*'s initial registration, the *lobbying firm* shall pay an additional *client* registration fee when filing its amended registration form as required by section 27.4012.

(4) For the purpose of determining *client* registration fees, a trade association or business organization qualified under Internal Revenue Code 501(c)(6) shall be considered a single *client*.

(5) Registration fees may be paid or reimbursed by a *client*.

(b) At the time a *organization lobbyist* registers pursuant to section 27.4007, the *organization lobbyist* shall pay an annual *organization lobbyist* registration fee.

organization lobbyist:
single registration fee
(presumption that
entity will not have
more than a few
individual lobbyists)

(1) A *organization lobbyist* that initially qualifies to register during the last quarter of a calendar year (October through December) pursuant to section 27.4007 shall pay a prorated registration fee.

(2) A *organization lobbyist* shall pay a single registration fee regardless of the number of its owners, officers, and employees who engage in *lobbying* activities.

(c) All registration fees shall be set by the *City Council* based upon the recommendation of the *City Clerk*. The *City Clerk* shall from time to time recommend fee amounts to the *City Council* that reflect, but do not exceed, the *City's* costs of administering of the filing requirements set forth in this division. A copy of the fee schedule shall be filed in the rate book of fees on file in the office of the *City Clerk*.

§27.4012 Amendments to Registration Form

require
amendments
to be made
w/in 10 days

~~Except as provided in Section 27.4015(b), Within ten calendar days of any change in the information required on their registration forms, *Lobbyists lobbying firms* and *organization lobbyists* shall file amendments to their registration form forms, with the next quarterly disclosure report, and shall disclose any disclosing the change in information required on the registration form as set forth in Section 27.4009.~~

§27.4013 Duration of Status

minor
revision

~~An individual who~~ entity that registers as a *Lobbyist lobbying firm* or *organization lobbyist* retains that status through January 5 of the following calendar year unless and until he or she it terminates that status in accordance with Section section 27.4022. An individual who entity that continues to qualify as a *Lobbyist lobbying firm* or *organization lobbyist* on January 5 shall renew that registration on or before January 15 of each year.

§27.4014 Notification of Activity Expense Paid to or Benefiting a City Official

reworded to
clarify that the
lobbying firm
or
organization
lobbyist has
the legal duty
to make the
disclosure

(a) ~~Any *Lobbyist* required to file a disclosure report under the provisions of this division shall provide the following information to each *City Official* who is the beneficiary of an *Activity Expense* from the *Lobbyist*.~~

~~(1) the date and amount of the *Activity Expense*;~~

~~(2) a description of the *Activity Expense* provided to the *City Official*; and~~

~~(3) the client, if any, on whose behalf the expenditure was made.~~

- (b) ~~The information required to be disclosed pursuant to subdivision (a) shall be provided in writing to the City Official who is the beneficiary within twenty business days after the date of the expenditure.~~
- (a) Whenever a *lobbying firm* or a *lobbyist* employed by that *lobbying firm* makes an *activity expense*, the *lobbying firm* shall, within twenty business days, disclose in writing the *activity expense* to the *City Official* who benefited from the *activity expense*.
- (b) Whenever a *organization lobbyist* or an owner, officer, or employee of that *organization lobbyist* makes an *activity expense*, the *organization lobbyist* shall, within twenty business days, disclose in writing the *activity expense* to the *City Official* who benefited from the *activity expense*.
- (c) The disclosure required by subsections (a) and (b) shall include:
- (1) the date and amount of the *activity expense*;
 - (2) a description of the *activity expense*;
 - (3) the name of any individual owner, officer, or *lobbyist* who participated in making the *activity expense*; and,
 - (4) the name of any *client* on whose behalf the *activity expense* was made.

§27.4015 Quarterly Disclosure Report Required

- (a) ~~*Lobbyists*~~ *Lobbying firms* and *organization lobbyists* shall file quarterly disclosure reports for every calendar quarter during which they retain their status as a *Lobbyist* *lobbying firm* or *organization lobbyist*.
- (b) ~~In lieu of amending the registration form, a *Lobbyist* may use the quarterly report to disclose any change in information required on the registration form as set forth in Section 27.4009.~~ *Expenditure lobbyists* shall file quarterly disclosure reports for every calendar quarter in which they qualify as *expenditure lobbyists*. An entity has no filing obligations as an *expenditure lobbyist* for any calendar quarter in which it does not meet the definition of an *expenditure lobbyist*.
- (c) ~~The *Lobbyist* shall file with the City Clerk the report with an original signature. Each *lobbying entity* shall file its quarterly disclosure report with the City Clerk, using forms provided by the City Clerk.~~

old (b) deleted because of change to 27.4012; new language adds filing obligations to expend. lobbyists

signature requirement now in 27.4017

§27.4016 Filing Deadline for Quarterly Disclosure Report

~~*Lobbyists*~~ *Lobbying entities* shall file quarterly disclosure reports with the City Clerk, with the *Lobbyist's* original signature, no later than the last ~~Day~~ day of the months of April, July, October, and January. ~~*Lobbyists*~~ *Lobbying entities* shall disclose the information required by ~~Section~~ section 27.4017 for the calendar quarter immediately prior to the month in which the report is required to be filed.

deleted language exists elsewhere

Contents of Lobbyist's Quarterly Disclosure Report

~~A Lobbyist's quarterly disclosure report shall contain the following information:~~

- ~~(a) the Lobbyist's full name, business address, and business telephone number;~~
 - ~~(b) the name, business address, and business telephone number of the Lobbyist's employer, if any;~~
 - ~~(c) the name, business or mailing address, and business or message telephone number of each Client represented by the Lobbyist during the reporting period; and the specific Municipal Decision(s) for which the Lobbyist represented the Client during the reporting period;~~
 - ~~(d) total Compensation received during the reporting period in connection with Lobbying, itemized by Client. For Lobbyists employed by an entity that provides Lobbying services by contract with Clients, the individual Lobbyist shall report his or her pro-rata share of Compensation received by, or entitled to be received by, the entity for Lobbying services provided to those Clients. Such Compensation shall be disclosed using the following ranges: []0-5,000; []\$5,000-\$25,000; []\$25,000-\$50,000; and [] Over \$50,000;~~
 - ~~(e) an itemization, which includes the date, amount and description of any Activity Expenses made by the Lobbyist during the reporting period of \$10 or more on any one occasion; or Activity Expenses made by the Lobbyist during the reporting period aggregating \$50 or more during the quarter, to benefit any single City Official on behalf of any one Client;~~
 - ~~(f) the name and title of the City Official benefiting from each itemized Activity Expense;~~
 - ~~(g) the name and address of the payee of each itemized Activity Expense;~~
 - ~~(h) the name of the vendor if different from that of the payee of each itemized Activity Expense;~~
 - ~~(i) the name of the Client, if any, on whose behalf each itemized Activity Expense was made;~~
 - ~~(j) the total amount of all Activity Expenses, whether itemized or not, made by the Lobbyist during the reporting period; and~~
 - ~~(k) any other information required by the City Clerk consistent with the purposes and provisions of this division.~~
- (a) Each lobbying firm's quarterly disclosure report shall contain the following information:

- (1) the lobbying firm's name, address, and telephone number.

lobbying firms:
existing disclosure
requirements, plus
input from 5/11/06
Commission
meeting

- (2) the name, business or mailing address, and telephone number of each *client* represented by the *lobbying firm* during the reporting period, along with the following information for that *client*:
- (A) the specific *municipal decision(s)* for which the *lobbying firm* represented the *client* during the reporting period, and the outcome(s) sought by the *client*;
 - (B) the name and department of each *City Official* who was subject to *lobbying* activities by the *lobbying firm* with regard to that specific *municipal decision*;
 - (C) the name of each *lobbyist* employed by the *lobbying firm* who engaged in *lobbying* activities with regard to that specific *municipal decision*; and,
 - (D) the total *compensation* received, or entitled to be received, during the reporting period in connection with *lobbying* for each *municipal decision*. Such *compensation* shall be disclosed to the nearest thousand dollars.
- (3) an itemization of *activity expenses* that includes the following:
- (A) the date, amount, and description of any *activity expense* of \$10 or more on any single occasion made by the *lobbying firm* or any of its *lobbyists* during the reporting period for the benefit of a single *City Official*;
 - (B) the date, amount, and description of any *activity expenses* aggregating \$50 or more during the quarter made by the *lobbying firm* and any of its *lobbyists* during the reporting period for the benefit of a single *City Official*;
 - (C) the name, title, and department of the *City Official* benefiting from the itemized *activity expense*;
 - (D) the name of each *lobbyist* who participated in making the *activity expense*;
 - (E) the name and address of the payee of each itemized *activity expense*; and,
 - (F) the name of the *client*, if any, on whose behalf each itemized *activity expense* was made.
- (4) an itemization of any campaign contributions of \$100 or more made by owners, officers, and *lobbyists* of the *lobbying firm* during the reporting period in support of or in opposition to a *candidate* for elective *City* office, including the date and amount of the contribution and the name of the *candidate* supported or opposed.
- (5) an itemization of any campaign contributions of \$100 or more made by owners, officers, and *lobbyists* of the *lobbying firm* during the reporting period to a *candidate's* controlled committee that is organized to support or oppose a ballot

measure, including the date and amount of the contribution and the name of the ballot measure committee.

new subsection
requiring
disclosure of
fundraising
activities
(7/13/06
Commission
meeting)

- (6) for each elected *City Official*, each *candidate* for elective City office, and each *candidate*-controlled ballot measure committee for which the *lobbying firm* or any of its owners, officers, or *lobbyists* engaged in any *fundraising activity* during the reporting period: (1) the name of the elected *City Official* or *candidate*; (2) a description of the ballot measure, if applicable; (3) the date(s) of the *fundraising activity*; (4) a brief description of the *fundraising activity*; and (5) the approximate amount of contributions the *lobbying firm* knows or has reason to know were raised as a result of the *fundraising activity*.
- (7) a statement by a duly authorized owner or officer of the *lobbying firm* that he or she has reviewed the contents of the quarterly disclosure report and verified, under penalty of perjury, that such contents are accurate and complete.
- (8) the printed name and original signature of the individual making the statement required by subsection (a)(7).
- (9) any other information required by the *Enforcement Authority* or the City Clerk consistent with the purposes and provisions of this division.

(b) Each *organization lobbyist's* quarterly disclosure report shall contain the following information:

organization
lobbyists:
existing
disclosure
requirements,
plus input from
5/11/06
Commission
meeting

- (1) the *organization lobbyist's* full name, address, and telephone number.
- (2) for each *municipal decision(s)* for which the *organization lobbyist* engaged in *lobbying* activities during the reporting period:
 - (A) a description of the specific *municipal decision*, and the outcome sought by the *organization lobbyist*;
 - (B) the name and department of each *City Official* who was subject to *lobbying* activities by the *organization lobbyist* during the reporting period with regard to the specific *municipal decision*; and,
 - (C) the name of each owner, officer, or employee of the *organization lobbyist* who engaged in *lobbying* activities during the reporting period with regard to the specific *municipal decision*.
 - (D) the total number of *contacts* [TO BE DETERMINED] with *City Officials* made on behalf of the *organization lobbyist* by the *organization lobbyist's* owners, officers, or employees during the reporting period.
- (3) an itemization of *activity expenses* that includes the following:
 - (A) the date, amount, and description of any *activity expense* of \$10 or more on any single occasion by the *organization lobbyist* or any *lobbyist*

employed by the *organization lobbyist* made during the reporting period for the benefit of a single *City Official*;

(B) the date, amount, and description of any *activity expenses* aggregating \$50 or more during the quarter by the *organization lobbyist* and any *lobbyist* employed by the *organization lobbyist* made during the reporting period for the benefit of a single *City Official*;

(C) the name, title, and department of the *City Official* benefiting from the itemized *activity expense*;

(D) the name of each owner, officer, or employer of the *organization lobbyist* who participated in making the *activity expense*;

(E) the name and address of the payee of each itemized *activity expense*; and,

(F) the name of the *client*, if any, on whose behalf each itemized *activity expense* was made.

(4) an itemization of any campaign contributions of \$100 or more made by owners, officers, and *lobbyists* of the *organization lobbyist* during the reporting period in support of or in opposition to a *candidate* for elective *City* office, including the date and amount of the contribution and the name of the *candidate* supported or opposed.

(5) an itemization of any campaign contributions of \$100 or more made by owners, officers, and *lobbyists* of the *organization lobbyist* during the reporting period to a *candidate's* controlled committee that is organized to support or oppose a ballot measure, including the date and amount of the contribution and the name of the ballot measure committee.

(6) for each elected *City Official*, each *candidate* for elective *City* office, and each *candidate*-controlled ballot measure committee for which the *organization lobbyist* or any of its owners, officers, or *lobbyists* engaged in any *fundraising activity* during the reporting period: (1) the name of the elected *City Official* or *candidate*; (2) a description of the ballot measure, if applicable; (3) the date(s) of the *fundraising activity*; (4) a brief description of the *fundraising activity*; and (5) the approximate amount of contributions the *organization lobbyist* knows or has reason to know were raised as a result of the *fundraising activity*.

(7) a statement by a duly authorized owner or officer of the *organization lobbyist* that he or she has reviewed the contents of the quarterly disclosure report and verified, under penalty of perjury, that such contents are accurate and complete.

(8) the printed name and original signature of the individual making the statement required by subsection (b)(7).

(9) any other information required by the *Enforcement Authority* or the *City Clerk* consistent with the purposes and provisions of this division.

(6) is new subsection requiring disclosure of fundraising activities (7/13/06 Commission meeting)

disclosure requirements for expenditure lobbyists (5/11/06 Commission meeting)

(c) An expenditure lobbyist's quarterly disclosure report shall contain the following information:

- (1) The name, address, and telephone number of the expenditure lobbyist.
- (2) The name, title, address, and telephone number of the individual responsible for preparing the report.
- (3) A description of each municipal decision that the expenditure lobbyist attempted to influence during the reporting period, and for each such municipal decision:
 - (A) The total payments the expenditure lobbyist made during the reporting period for the purpose of attempting to influence that municipal decision;
 - (B) The name, address, telephone number, and amount of payment for each person who made a payment, or the promise of a payment, of \$100 or more during the reporting period to the expenditure lobbyist for the express purpose of influencing that municipal decision; and,
 - (C) the outcome sought by the expenditure lobbyist.
- (4) a statement by a duly authorized owner or officer of the expenditure lobbyist that he or she has reviewed the contents of the quarterly disclosure report and verified, under penalty of perjury, that such contents are accurate and complete.
- (5) the printed name and original signature of the individual making the statement required by subsection (c)(4).
- (6) any other information required by the Enforcement Authority or the City Clerk consistent with the purposes and provisions of this division.

§27.4018 Amendments to Quarterly Disclosure Reports

new section

Any lobbying entity that discovers incomplete or inaccurate information in a quarterly disclosure report that it filed with the City Clerk shall, within ten calendar days of the discovery, file an amended quarterly disclosure report with the City Clerk disclosing all information necessary to make the report complete and accurate.

§27.4018 27.4019 Accountability Retention of Records

renumbered;
title change

In addition to any other requirement of this division, every ~~Lobbyist~~ lobbying entity shall retain for a period of five years all books, papers, and documents necessary to substantiate the quarterly disclosure reports required to be made under this division.

§27.4020 Forms to be Provided by the City Clerk

subject covered
in 27.4007 &
27.4015

~~Lobbyists shall file registration forms and quarterly disclosure reports required by this division on forms provided by the City Clerk.~~

§27.4021

Verification of Registration Form and Quarterly Disclosure Report

subject covered
in 27.4009 &
27.4017

~~Lobbyists shall sign and verify registration forms and quarterly disclosure reports required by this division under penalty of California perjury laws.~~

§27.4022

Termination of ~~Lobbyist~~ Status as Lobbying Firm or Organization Lobbyist

minor
revision

~~An individual who~~ A lobbying firm or organization lobbyist that ceases being a ~~Lobbyist lobbying entity~~ shall notify the City Clerk of this status upon the quarterly disclosure report form provided by the City Clerk. Upon terminating, the ~~individual~~ lobbying firm or organization lobbyist shall report ~~the any~~ information required ~~in Section~~ by section 27.4017 that ~~remains unreported~~ has not been reported since ~~the~~ its last quarterly disclosure report.

§27.4023

~~Other~~ Obligations of a ~~Lobbyist~~ Individual Lobbyists

~~Any individual who is required to register as a Lobbyist under the provisions of this division, shall:~~ Every lobbyist shall:

establishes
obligations of
individual
lobbyists

- (a) disclose his or her status as a ~~Lobbyist~~ lobbyist to a City Official before providing anything of value to that ~~individual~~ City Official which would require disclosure as an ~~Activity Expense~~ activity expense to the City Official pursuant to ~~Section~~ section 27.4014;
- (b) abstain from doing any act with the purpose or intent of placing a City Official under personal obligation to the ~~Lobbyist~~ lobbyist, or to the ~~Lobbyist's~~ lobbyist's employer or ~~Client~~ client;
- (c) correct, in writing, any misinformation given to a City Official, specifying the nature of the misinformation;
- (d) not deceive or attempt to deceive a City Official as to any material fact pertinent to any pending or proposed ~~Municipal Decision~~ municipal decision;
- (e) not cause any communication to be sent to a City Official in the name of any fictitious ~~Person~~ person, or in the name of any real ~~Person~~ person, ~~except with~~ without the consent of such real ~~Person~~ person; and
- (f) not attempt to evade the obligations in this section through indirect efforts or through the use of ~~Agents~~ agents, associates, or employees.

§27.4024

Employment of City Official or Employees by ~~Lobbyist~~ Lobbying Entity

~~If any Lobbyist registered or required to be registered under Section 27.4007:~~

Simplified
language;
added
"immediate
family"

- (a) ~~employs, in any capacity whatsoever, or~~
- (b) ~~requests, recommends employs, in any, or causes the Lobbyist's employer to employ any individual known to be a City Official, the Lobbyist shall file a written statement with the City Clerk within ten (10) Days after such employment. This statement shall~~

~~set forth the name of the individual employed, the date first employed by the *Lobbyist* or the *Lobbyist's* employer, and that individual's position, title, and department in the *City*.~~

If any *lobbying entity* employs or retains a current *City Official* or *City* employee, or any member of that official's or employee's *immediate family*, that *lobbying entity* shall file a written statement with the *City Clerk* within ten calendar days after such employment commences. This statement shall set forth the name of the individual employed, the date the individual was first employed by the *lobbying entity*, and the individual's position, title, and department in the *City*.

§27.4030 Gifts from Lobbying Entities and Lobbyists

new section: gift ban (discussed at 6/8/06 meeting); based on FPPC lobbying regs.

- (a) It is unlawful for a *lobbying firm* or any of its *lobbyists* to make a *gift*, act as an *agent* or intermediary in the making of a *gift*, or arrange for the making of a *gift* if:
 - (1) the *gift* is given to a *City Official*, and
 - (2) the aggregate value of all *gifts* from the *lobbying firm* and its *lobbyists* to that *City Official* exceeds \$10 within a calendar month.
- (b) It is unlawful for a *organization lobbyist* or a *lobbyist* employed by that *organization lobbyist* to make a *gift*, act as an *agent* or intermediary in the making of a *gift*, or arrange for the making of a *gift* if:
 - (1) the *gift* is given to a *City Official*, and
 - (2) the aggregate value of all *gifts* from the *organization lobbyist* and any *lobbyist* employed by that *organization lobbyist* to that *City Official* exceeds \$10 within a calendar month.
- (c) For purposes of this section, an entity or individual "arranges for the making of a *gift*" if the entity or individual, either directly or through an *agent*, does any of the following:
 - (1) Delivers a *gift* to the recipient.
 - (2) Acts as the representative of the donor, if the donor is not present at the occasion of a *gift*. This does not include accompanying the recipient to an event where the donor will be present.
 - (3) Invites or sends an invitation to an intended recipient regarding the occasion of a *gift*.
 - (4) Solicits responses from an intended recipient concerning his or her attendance or nonattendance at the occasion of a *gift*.
 - (5) Is designated as the representative of the donor to receive responses from an intended recipient concerning his or her attendance or nonattendance at the occasion of a *gift*.
 - (6) Acts as an intermediary in connection with the reimbursement of a recipient's expenses.

~~§27.4025~~ §27.4040 Powers and Duties of the City Clerk

Renumbered;
minor changes

- (a) Upon receipt of a written request, the *City Clerk* may issue a notice of ~~registration requirements~~ filing obligations to any ~~Person~~ person whom a *City Official* or any other ~~Person~~ person has reason to believe should ~~be registered~~ file a registration form or quarterly disclosure report under this division. Before sending the notice, the Clerk:
- (1) shall require the *City Official* or ~~Person~~ person making the request to provide a written statement of the factual basis for the belief; and,
 - (2) shall determine whether sufficient facts exist to warrant sending the notice.
- (b) Any ~~individual~~ person who in good faith and on reasonable grounds believes that he, ~~or she, or it~~ is not required to comply with the provisions of ~~Section~~ sections 27.4007 or 27.4015 by reason of being exempt under any provision of this division shall not be deemed to have violated the provisions of ~~Section 27.4007~~ these sections if, within ten ~~(10) Days~~ calendar days after the *City Clerk* has sent specific written notice, the ~~individual~~ person either complies with the requirements of this division, or furnishes satisfactory evidence to the Clerk that he, ~~or she, or it~~ is exempt from ~~registration filing obligations~~.
- (c) As soon as practicable after the close of each quarter, the *City Clerk* shall complete a summary of the information contained in registration forms and quarterly disclosure reports required to be filed under the provisions of this division. This summary shall be forwarded to the Mayor, ~~and~~ City Council, and the Enforcement Authority.
- (d) The *City Clerk* shall preserve all registration forms and quarterly disclosure reports required to be filed under this division for a period of five years from the date of filing. These registration forms and quarterly disclosure reports shall constitute part of the public records of the Clerk's office, and shall be open to public inspection. Copies shall be made available by the Clerk upon request and payment of any lawful copy charges.
- (e) The *City Clerk* shall report apparent violations of this division to the *Enforcement Authority*.
- (f) The *City Clerk* shall have the power to adopt all reasonable and necessary procedures to implement this division.

~~§27.4026~~ §27.4041 Inspection of Forms and Reports

Renumbered;
minor changes

- (a) The *City Clerk* shall inspect, or cause to be inspected, each registration form and quarterly disclosure report filed under this division within twenty ~~(20) working Days~~ business days after the filing deadline. The Clerk shall notify an ~~individual~~ entity to file a registration form or quarterly disclosure report under this division if it appears that the ~~individual~~ entity has failed to file as required by law or that the registration form or quarterly disclosure report filed by the individual does not conform to law.

- (b) Any ~~individual~~ entity notified to file an original or amended registration form or quarterly disclosure report shall file the form or report by the deadline imposed in the notification from the Clerk.

§27.4045 Online Disclosure of Forms and Reports

new section,
anticipating
online filing of
lobbyist
statements

- (a) It is the intent of the City to implement an electronic filing system that facilitates the disclosure of lobbying activities engaged in by lobbying entities. When a practical and financially feasible electronic filing system has been implemented by the City Clerk, the provisions of this section shall be in effect.
- (b) Every lobbying entity required to file a registration form or quarterly disclosure report pursuant to this division shall use the City Clerk's electronic filing system to file online such forms or reports.
- (c) Every lobbying entity shall continue to file a paper copy of each form or report with the City Clerk. The paper copy shall continue to be the original form or report for audit and other legal purposes.
- (d) The information contained on a form or report filed online shall be the same as that contained on the paper copy of the same form or report that is filed with the City Clerk.

§27.4027 §27.4050 Enforcement Authority: Duties, Complaints, Legal Action, Investigatory Powers

Renumbered;
minor changes

- (a) Any ~~Person~~ person who believes that violation of any portion of this ~~Division~~ division has occurred may file a complaint with the *Enforcement Authority*.
- (b) The *Enforcement Authority* shall have such investigative powers as are necessary for the performance of the duties prescribed in this ~~Division~~ division. The *Enforcement Authority* may demand and shall be furnished records of ~~Lobbying Activity Expenses~~ activity expenses at any time.
- (c) The *Enforcement Authority* shall determine whether ~~required statements and declarations~~ forms and reports have been filed as required and, if so, whether they conform ~~with~~ to the requirements of this ~~Division~~ division.
- (d) The *Enforcement Authority* may elect to enforce the provision of this ~~Division~~ division administratively pursuant to Chapter 2, Article 6, Division 4, or may otherwise recommend or refer enforcement actions to the City Attorney or other law enforcement agency with jurisdiction.

§27.4028 §27.4055 Violations, Penalties and Defenses

Renumbered;
clarifies
applicability of
Ethics
Commission
remedies

- (a) Violations of this division may be prosecuted as misdemeanors subject to the fines and custody provided in San Diego Municipal Code section 12.0201. The City may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202, ~~or pursue any administrative remedy set forth in Chapter I of this Code.~~ In addition, if the matter is pursued by the Enforcement

Authority as an administrative matter, any *person* found in violation is subject to the administrative penalties provided for in Chapter 2, Article 6, Division 4.

- (b) In addition to any other penalty or remedy available, if any individual fails to file any registration form or quarterly disclosure report required by this division after any deadline imposed by this division, that individual shall be liable to the *City* of San Diego in the amount of ~~ten dollars (\$10)~~ per ~~Day~~ calendar day after the deadline until the report is filed, up to a maximum amount of \$100.
- (c) Provisions of this division need not be enforced by the *City* Clerk if it is determined that the late filing was not willful and that enforcement of the penalty would not further the purposes of this division.
- (d) Provisions of this division shall not be waived if a registration form or quarterly disclosure report, or an amendment to correct any deficiency in a registration form or quarterly disclosure report, is not filed by the deadline imposed in the notification from the *City* Clerk of the filing requirement.
- (e) Any limitation of time prescribed by law within which prosecution for a violation of any part of this division must be commenced shall not begin to run until the *City's* discovery of the violation.